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1-6003  
Dunne  
Customer No. 22,852

Attorney Docket No. 02481.1767

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Christopher KERN et al. )  
Serial No.: 10/014,472 ) Group Art Unit: 1623  
Filed: December 14, 2001 ) Examiner: J. Young  
For: ENOXAPARIN AND METHODS )  
OF ITS USE )

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TC 1700

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated November 21, 2002, the Examiner required restriction under 35 U.S.C. § 121 to one of the following:

Group I: Claims 1-8, allegedly drawn to methods of treating or preventing a disorder comprising administering enoxaparin, classified in class 514, subclass 56.

Group II: Claims 9-10, allegedly drawn to methods of identifying inhibitors of aggrecanase, a matrix metalloproteinase, classified in class 435, subclass 23.

Applicants elect to prosecute Group I, claims 1-8, with traverse. In traversing the restriction requirement, Applicants draw the Examiner's attention to M.P.E.P. § 803, which sets forth the criteria that the Examiner must satisfy to make a restriction requirement. In particular, restriction of Applicants' invention is

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not proper unless examination of the claims results in a serious burden on the Examiner.

In the present case, the Examiner has not shown that there would be a serious burden to examine Groups I and II. Applicants respectfully submit that a search of Groups I and II would not be burdensome. A proper search for the subject matter of one group would overlap the search for the subject matter of the other group. Thus, a search for the subject matter cited in all groups would not be burdensome.

Accordingly, Applicants respectfully request that the Examiner withdraw the restriction requirement. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 19, 2002

By:   
M. Todd Rands  
Reg. No. 46,249

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